

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Anthony Lavelle Edwards,

Case No. 20-cv-1144 (JRT/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Paul Schnell, et al.,

Defendants.

In an order dated December 1, 2020, this Court ordered Plaintiff Anthony Lavelle Edwards to pay an initial partial filing fee of \$21.10. See Order 3, ECF No. 16. The Court gave Edwards until December 22, 2020, to pay this fee, failing which the Court would recommend dismissing this action without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Edwards has not paid his initial partial filing fee. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See, e.g., *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all the files, records, and proceedings herein, this Court **RECOMMENDS** that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: January 4, 2021

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).